THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 18886 of 2005

Dated: 25.08.2005.

Between:

1 Sree Vidyaniketan Educational Trust, Rep by its Chairman,
Dr. M. Mohan Babu, A. Rangampet Chandragiri Mandal, Chittoor District

and another.

..... PETITIONERS

AND

1 The Collector, Chittoor District, Chittoor and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18886 of 2005

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ORDER:

Seeking a direction to declare the order of the 3rd respondent dated 11.7.2005 as illegal and arbitrary, the present writ petition has been preferred by the petitioner.

02. A few relevant facts in the back drop of the case are as follows:

03. 1st petitioner is a Trust registered in 1995 under the Societies Registration Act, 1860. 2nd petitioner is the Chairman of the Trust. In order to equip the Educational institutions, the Trust had purchased the land admeasuring 3.00 acres in S.No.412/1 at Ramireddypalli village, Chandragiri Mandal from one Mudluru Rajamma through a registered sale deed. On 18.07.2005, they received a communication from the 3rd respondent stating that the sale transaction of the said land had been treated as null and void and cancelled under Section 3 (3) of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 and further the same had been resumed forthwith under Section 4 (1) (a) of the said Act. Challenging the same, he preferred an appeal before the 2nd respondent along with a stay application. But, the 2nd respondent did not even take on record his appeal and also did not dispose of the stay application. Hence, the writ petition.

04. Heard the learned counsel for petitioners as well as the learned Government Pleader for Revenue.

05. Perused the entire material available on record and the order impugned.

06. A perusal of the record goes to show that the petitioners have filed an appeal before the 2nd respondent and it is pending.

07. In view of the fact that a statutory appeal is pending before the authorities, without expressing any opinion on the merits of the case, I deem it appropriate

to direct the appellate authority to consider and pass appropriate orders either on the stay petition or on the main appeal itself after affording an opportunity to the petitioners, within a period of 12 weeks from the date of receipt of a copy of this Order. Till such time, the respondents are directed not to give effect to the order impugned herein.

08. The writ petition is disposed of accordingly.

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25.08.2005

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